

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Applicants acknowledge with appreciation the indication in the Office Action that claims 6-9 are allowed and claims 3 and 4 are allowable.

The abstract has been amended to conform with U.S. practice and, thereby, overcome the applied objection.

Claims 1 and 10 have been amended. Support for the amendments is provided for example in paragraph [0052] of the published specification. The amendment of claim 1 has been drafted to overcome the applied indefiniteness rejection. Claims 6, 9, and 11 have been amended for clarity. The amendments of claims 6, 9, and 11 are non-narrowing; therefore, no estoppel should be deemed to attach thereto. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 1, 2, 5, 10 and 11 were rejected, under 35 USC §103(a), as being unpatentable over Tiedemann, Jr. et al. (US 2003/0161285) in view of Cho et al. (US 7,386,277). To the extent that these rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse as follows.

Claim 1 defines a reception quality notifying method that: (1) compares a subcarrier measurement result with a predetermined threshold value and performs format conversion on the comparison result using a plurality of different references to generate a plurality of reception quality data that have different formats and that are expressed by bits, and (2) selects, for

transmission, the reception quality data with the smallest data amount from the plurality of generated reception quality data. By transmitting the smallest amount of reception quality data, the claimed subject matter provides advantages of releasing uplink channel resources normally used for transmission of the larger amount of reception quality data and improving the uplink throughput (see paragraph [0030] of the published specification).

It is submitted that Tiedemann fails to disclose the subject matter now recited in claim 1 of performing format conversion on a comparison result using a plurality of different references to generate a plurality of reception quality data, from which one reception quality datum is selected for transmission. Although the Office Action proposes that Tiedemann discloses performing format conversion on a comparison result to generate a plurality of reception quality data (see Office Action page 4, first paragraph), Tiedemann discloses performing either no or one conversion of each comparison result (see Tiedemann paragraph [0037], lines 17-18). Thus, Tiedemann discloses: (1) generating a comparison result, (2) transmitting an indication (either coded or not) of the comparison, and (3) repeating operations (1) and (2) at various points in time (see Tiedemann at paragraph [0037], lines 18-23).

However, it is noted that Tiedemann does not disclose the Applicants' claimed subject matter of performing multiple format conversions on a single comparison result to generate a plurality of reception quality data items that each represent the single comparison result. And Cho is not cited in the Office Action for supplementing the teachings of Tiedemann in this regard.

Moreover, the Office Action acknowledges that Tiedemann does not disclose selecting a reception quality data item with a smallest data amount from a plurality of generated reception

quality data (see Office Action page 4, lines 4-7). To overcome this deficiency, the Office Action proposes that Cho discloses, in column 9, line 63, through column 10, line 9, selecting reception quality data with a smallest data amount from a plurality of generated reception quality data (see Office Action page 4, lines 8-10).

However, Cho discloses a modulation and coding scheme (MCS) table comprising seven schemes identified as MCS 1 to MCS 7; MCS 1 identifies a scheme of the lowest quality and MCS 7 identifies a scheme of the highest quality. Cho discloses selecting a low MCS level at the beginning of communication and raising the MCS level gradually to an optimal MCS level; the MCS level is adjusted according to an ACK or NACK. Cho further discloses grouping the 7 MCS levels, MCS 1 to MCS 7, into three groups, such that the first group comprises MCS 1 to MCS 3, the second group comprises MCS 3 to MCS 5, and the third group comprises MCS 5 to MCS 7. One of the group numbers, expressed by two bits, is transmitted, thereby allowing the amount of transmission data to be smaller compared to the case of transmitting one of MCS 1 to MCS 7 expressed by three bits. Thus, Cho discloses both: (1) selecting one MCS from MCS 1 to MCS 7 identified by three bits and (2) selecting one of three MCS groups identified by two bits. Cho does not disclose the claimed subject matter of selecting reception quality data with a smallest data amount from a plurality of generated reception quality data.

Accordingly, the Applicants submit that even if Tiedemann and Cho were combined as proposed in the Office Action, the result would still lack at least the above-noted features of claim 1, and thus, these references, considered individually or in combination, do not render obvious the subject matter of claim 1. Independent claim 10 similarly recites the above-mentioned subject matter distinguishing method claim 1 from the applied references, but with

respect to an apparatus. Therefore, allowance of claims 1 and 10 is deemed to be warranted. The dependent claims are allowable due to their dependence from an allowable independent claim and also due to their recitation of subject matter that provides an independent basis for their individual allowability. For example, the Office Action proposes that Cho discloses the subject matter of claim 2. However, Cho discloses MCS levels but fails to disclose or suggest the three types of reception quality data recited in claim 2. Tiedemann also fails to disclose or suggest these three types of reception quality data. Thus, allowance of claim 2 is deemed to be warranted for this independent reason.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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JEL/DWW/att

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